

(1) whether the cases are pending in the same court, (2) whether the cases involve a common party, (3) whether the cases involve common issues of law or fact, (4) whether consolidation risks the possibility of prejudice or confusion, and if there is such a risk, if the risk of inconsistent adjudications if tried separately outweighs that risk, (5) whether consolidation will result in an unfair advantage, (6) whether consolidation will conserve judicial resources and increase judicial efficiencies, and (7) whether consolidation will reduce the expense of trying the case separately.²

The Court finds that this case and the King case “involve a common question of law or fact”³ and so will consolidate them. In considering whether to consolidate, the Court finds factors (1), (2), (3), and (6), as listed above, to be decisive. Regarding the first and second factors, both cases are pending before this Court and involve the same defendants. Considering the third factor, both cases are derivative action suits asserting the same claims. Under the sixth factor, the Court’s judicial efficiencies will be increased and resources conserved by avoiding the risk of prejudice and confusion that may come with the overlapping issues between these two cases.

For the reasons stated above and pursuant to Federal Rule of Civil Procedure 42(a), the Court **CONSOLIDATES** *Bettiol v. LE GP LLC, et. al.*, Cause No. 3:19-cv-02890-X with *King v. Energy Transfer LP, et. al.*, Cause No. 3:20-cv-00719-X, under *Bettiol v. LE GP LLC, et. al.*, Cause No. 3:19-cv-02890-X, for all purposes, including pretrial proceedings, trial, and appeal. The Court **DIRECTS** the Clerk to administratively close 3:20-cv-00719-X for statistical purposes. The Court further

² *Ashford Hosp. Prime Inc. v. Sessa Capital (Master) LP*, 2017 WL 2955366, at *11 (N.D. Tex. Feb. 17, 2017) (Godbey, J.). See *Russo v. Alamosa Holdings, Inc.*, 2004 WL 579378, at *1 (N.D. Tex. Feb. 27, 2004) (Cumplings, J.) (listing the same factors).

³ FED. R. CIV. PROC. 42(a).

DISMISSES AS MOOT the motions to consolidate and appoint counsel pending in 3:20-cv-00719-X.

IT IS SO ORDERED this 18th day of June 2020.

A handwritten signature in black ink, reading "Brantley Starr", written over a horizontal line.

BRANTLEY STARR
UNITED STATES DISTRICT JUDGE